

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

DEPARTMENTAL NOTICE		NUMBER: 4060-001
SUBJECT: Interim Creditable Service for Annual Leave Accrual	DATE: March 13, 2006	
	OPI: Office of Human Capital Management	
CODIFICATION/EXPIRATION: This notice will expire 1 year from date of issuance.		

1 **PURPOSE**

The purpose of this Notice is to extend to the Department of Agriculture agencies and mission areas the authority to implement a provision of the Federal Workforce Flexibility Act of 2004 which provides an agency with authority to grant a newly appointed or reappointed employee credit for prior work experience that otherwise would not be creditable for the purpose of determining the employee's annual leave accrual rate.

2 **AUTHORITY**

This regulation complies with Federal Register, Vol. 70, No.82, dated April 29, 2005, Section 202(a) of the Federal Workforce Flexibility Act of 2004 (Public Law 108-411, October 30, 2004), 5 U.S.C., Chapter 6303 and 5 CFR 630.

3 **SPECIAL INSTRUCTIONS**

The issuance of this Notice will constitute USDA's Interim Creditable Service for Annual Leave Accrual Plan until superceded by the issuance of final Office of Personnel Management regulations and the issuance of a Departmental Regulation.

4 **ELIGIBILITY**

Effective April 28, 2005, the head of an agency or designee may provide service credit for work experience that otherwise would not be creditable for the purpose of determining the annual leave accrual rate of a newly appointed employee or an employee who is reappointed following a break in service of at least 90 calendar days after his or her last period of Federal employment. The appointment must be

one, which is covered by the Federal annual and sick leave program established under chapter 63 of title 5, United States Code.

5 DELEGATIONS OF AUTHORITY

Agency Heads and General Officers are delegated the authority to approve service credit under this regulation.

6 DEFINITIONS

- a Agencies: Refers to mission areas, agencies or staff offices (such as the Office of the General Counsel).
- b Agency Head: The head of a Department of Agriculture (USDA) agency or an official who has been delegated the authority to act for the head of the agency in the matter concerned.
- c Employee: For purpose of determining creditable service for annual leave accrual, employee refers to someone who is newly appointed in the Federal civilian sector or an employee who is reappointed following a break in service of at least 90 calendar days from the date of his or her last period of Federal civilian employment.
- d General Officer: A USDA official who reports directly to the Secretary of Agriculture as defined in Title 7 CFR, Part 2, Subpart A, Section 2.4.
- e Uniformed Service: The Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

7 RESPONSIBILITIES

- a The Director, Office of Human Capital Management (OHCM) is responsible for setting policy and providing overall technical guidance and direction for this regulation. OHCM shall provide staff assistance to agencies and monitor compliance with Departmental policy. OHCM will report to the Office of Personnel Management as required.
- b Agency Heads and General Officers are responsible for issuing written regulations that address how annual leave accrual service credit determinations will be made in their individual agencies or mission areas.

They are also responsible for ensuring that service credit determinations in their agencies are granted in accordance with the requirements set forth in this and other governing regulations. They are responsible for monitoring and assessing the program and for reporting to OHCM as requested.

8 CREDITABLE SKILLS AND/OR EXPERIENCE

Employees may be credited only with non-Federal or active duty uniformed service that is directly related to the position to which they are being appointed. Prior to granting such credit, the agency must determine in writing that the employee meets both of the following conditions:

- a The skills and experience the employee possesses are essential to the new position and were acquired through performance in a non-Federal position having duties that directly relate to the position to which he or she is being appointed.
- b The use of this authority is necessary to achieve an important agency mission or performance goal.
- c Credit may be awarded for all of the time the employee performed the directly related duties (e.g. full-time credit for full-time service, part-time credit for part-time service, etc.). Service credit for less than full-time service should be based on the number of hours and the percentage of time the employee actually performed the duty.
- d Credit may be granted to a retired member of a uniformed service for any period of active military service during which he or she performed duties directly related to the position to which he or she is being appointed. Previously, credit was given to a retired member of a uniformed service only for period of active duty served during a campaign or expedition for which a campaign badge was issued.
- e In no case should an employee be awarded with double credit for the same period of employment or for service that is otherwise creditable under existing leave regulations.

9 DOCUMENTING SERVICE CREDIT

Agencies are required to document all awards of service credit in writing and must include appropriate backup documentation sufficient for audit. Backup documentation might include the following:

- a Position or Military Occupational Specialty (MOS) Descriptions

- b Letters from supervisors indicating duties and time period the employee performed the duties
- c Resumes
- d Employment Records
- e Other documentation that the agency deems sufficient to verify the service

The documentation must be sufficient to document both the duties the employee performed as well as the time period the employee performed them. All written documentation must be approved by the head of the agency or designee prior to the effective date of the employee's entry on duty.

Non-Federal service or active duty uniformed service must be documented on the Standard Form (SF)-144A or an agency equivalent form used in lieu of the SF-144A. Credit is to be granted in terms of years and months, and the exact number of years and months of credit being granted is recorded in Part I, Column B, of the SF-144A. Include a reference in the "Remarks" section of the SF-144A indicating that the Service Computation Date-Leave (SCD-Leave) includes creditable non-Federal service or active duty uniformed service work experience that otherwise would not be credited.

The SF-144A or equivalent and the supporting documents should be filed on the right side of the Official Personnel Folder. It should be filed directly under the personnel action that reflects the SCD-Leave on the form. For example, the SF-144A for the initial appointment should be filed directly under the SF-50, Notification of Personnel Action, documenting the appointment.

10 DURATION OF CREDIT FOR SERVICE

Credit granted to an employee for non-Federal service or active duty uniformed service remains to the credit of the employee unless he or she fails to complete 1 full year of continuous service with the USDA (52 calendar weeks). If an employee separates from Federal service or transfers to another Federal Department prior to completing 1 full year of continuous service with USDA (can include service with different USDA agencies), the employee is not entitled to retain service credit for prior non-Federal service or active duty uniformed service. The USDA agency that is losing the employee must subtract the additional service credit from the employee's total creditable service, and a new service computation date for leave must be established before the employee separates or transfers to the new Department.

Once an employee completes 1 full year of continuous service with USDA, the period of service for which he or she was granted service credit for his or her non-Federal or active duty uniformed service work experience is permanently creditable for the purpose of determining his or her annual leave accrual rate for the duration of the employee's career.

11 DISPOSITION OF ACCRUED LEAVE UPON SEPARATION OR TRANSFER

Annual Leave accrued or accumulated by an employee remains to the credit of the employee, even if he or she fails to complete 1 full year of continuous service with USDA. The agency must transfer the annual leave balance to the new employing agency if the employee is transferring to a position to which annual leave may be transferred, or provide a lump-sum payment for unused annual leave if the employee is separating from Federal service or moving to a new position to which annual leave cannot be transferred. The service computation date should be adjusted in accordance with Section 10 of this regulation as necessary.

12 PROCESSING ACTIONS

Agencies should refer to the NFC, Guide to Processing Personnel Actions, for appropriate instructions on processing actions.

13 NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) USDA is an equal opportunity provider and employer.